



PTO/SB/21 (03-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/797,157	
	Filing Date	03/09/2004	
	First Named Inventor	Martin OFT	
	Art Unit	1645	
	Examiner Name		
Total Number of Pages in This Submission	6	Attorney Docket Number	DX06022 US 01

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input checked="" type="checkbox"/> Information Disclosure Statement (2 pages)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Other Enclosures/Remarks:	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	<ul style="list-style-type: none">• Form PTO/SB/08 (3 pages)• Return Receipt Postcard	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Sheela Mohan-Peterson, Reg. No. 41,201 DNAX Research, Inc. 901 California Ave. Palo Alto, CA 94304-1104
Signature	
Date	17-Aug-2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date indicated below:			
Typed or printed	MELANIE LYONS		
Signature		Date	8-17-04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



Attorney Docket: DX06022 US 01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Martin OFT, et al.

Application No.: 10/797,157

Filed: March 9, 2004

For: USES OF IL-23 AGONISTS AND
ANTAGONISTS; RELATED
REAGENTS

Examiner: Unknown

Art Unit: 1645

Conf. No.: 4687

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on Aug. 17, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

by:


MELANIE LYONS

INFORMATION DISCLOSURE STATEMENT

Sir:

The materials as listed in the attached form PTO/SB/08 are brought to the Examiner's attention pursuant to the duty of disclosure under 37 C.F.R. § 1.56, § 1.97, and § 1.98.

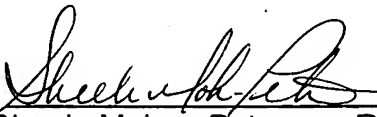
Citation of these documents should not be construed as a representation that the documents are in fact material or are in fact prior art with respect to the instant invention. The Examiner should not make any inference relating to the relative pertinence of cited references based upon the order in which the art is presented. Citation of these documents should not be construed as a representation that a search has been made or that more pertinent art may not be in existence.

Applicants request that the Examiner fully consider the art cited in the attached PTO/SB/08 form. Applicants further request that the Patent and Trademark Office list all such art on the front of any patent issuing from this application.

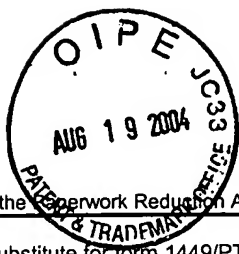
Applicants believe no fee is required for filing this document; however, if such a fee is required, the Commissioner is hereby authorized to charge DNAX Research Institute Deposit account no. 04-1239.

Respectfully submitted,

Date: 17-Aug-2004

By: 
Sheela Mohan-Peterson, Reg. No.
41,201
Attorney for Applicants

Customer No. 28008
DNAX Research, Inc.
901 California Avenue
Palo Alto, CA 94304-1104
Telephone (Switchboard): (650) 496-6400
Telephone No. (Direct): (650) 496-1244
Facsimile No.: (650) 496-1200



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/797,157
Filing Date	03/09/2004
First Named Inventor	Martin OFT
Art Unit	1645
Examiner Name	
Attorney Docket Number	DX06022 US 01

Sheet

1

of

3

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	DOCUMENT NUMBER	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant, Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant, Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				

NON PATENT LITERATURE DOCUMENTS

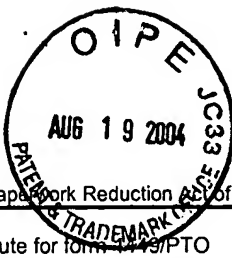
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	AA	Broberg, <i>et al.</i> (2002) <i>J. Interferon Cytokine Res.</i> 22:641-651 "Herpes Simplex Virus Type 1 Infection Induces Upregulation of Interleukin-23 (p19) mRNA Expression in Trigeminal Ganglia of BALB/c Mice"	
	AB	Cannistra and Nilloff (1996) <i>New Engl. J. Med.</i> 334:1030-1038 "Cancer of the Uterine Cervix"	
	AC	Cooper, <i>et al.</i> (2002) <i>J. Immunol.</i> 168:1322-1327 "Mice Lacking Bioactive IL-12 Can Generate Protective, Antigen-Specific Cellular Responses to Mycobacterial Infection Only if the IL-12 p40 Subunit Is Present"	

Examiner Signature	Date Considered
-----------------------	--------------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.¹ Applicant's unique citation designation number (optional).² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



PTO/SB/08B (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

Substitute for form 2749/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/797,157
				Filing Date	03/09/2004
				First Named Inventor	Martin OFT
				Art Unit	1645
				Examiner Name	
Sheet	2	of	3	Attorney Docket Number	DX06022 US 01

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	AD	Cua, <i>et al.</i> (2003) <i>Nature</i> 421:744-748 "Interleukin-23 rather than interleukin-12 is the critical cytokine for autoimmune inflammation of the brain"	
	AE	Elkins, <i>et al.</i> (2002) <i>Infection Immunity</i> 70:1936-1948 "In Vivo Clearance of an Intracellular Bacterium, <i>Francisella tularensis</i> LVS, Is Dependent on the p40 Subunit of Interleukin-12 (IL-12) but Not on IL-12 p70"	
	AF	Enzinger and Mayer (2003) <i>New Engl. J. Med.</i> 349:2241-2252 "Esophageal Cancer"	
	AG	Farrar, <i>et al.</i> (1999) <i>J. Immunol.</i> 162:2842-2849 "Cancer Dormancy. VII. A Regulatory Role for CD8 ⁺ T Cells and IFN- γ in Establishing and Maintaining the Tumor-Dormant State"	
	AH	Fischer, <i>et al.</i> (1997) <i>Nature Biotechnol.</i> 15:142-145 "A bioactive designer cytokine for human hematopoietic progenitor cell expansion"	
	AI	Forastiere, <i>et al.</i> (2001) <i>New Engl. J. Med.</i> 345:1890-1900 "Head and Neck Cancer"	
	AJ	Frucht (2002) <i>Sci STKE</i> 2002, E1-E3 "IL-23: A Cytokine That Acts on Memory T Cells"	
	AK	Izbicki, <i>et al.</i> (1997) <i>New Engl. J. Med.</i> 337:1188-1194 "Prognostic Value of Immunohistochemically Identifiable Tumor Cells in Lymph Nodes of Patients with Completely Resected Esophageal Cancer"	
	AL	Le, <i>et al.</i> (2001) <i>J. Immunol.</i> 167:6765-6772 "Pre-Existing Tumor-Sensitized T Cells Are Essential for Eradication of Established Tumors by IL-12 and Cyclophosphamide Plus IL-12"	
	AM	Lynch and Chapelle (2003) <i>New Engl. J. Med.</i> 348:919-932 "Hereditary Colorectal Cancer"	
	AN	Oppmann, <i>et al.</i> (2000) <i>Immunity</i> 13:715-725 "Novel p19 Protein Engages IL-12p40 to Form a Cytokine, IL-23, with Biological Activities Similar as Well as Distinct from IL-12"	

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



PTO/SB/08B (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/797,157
				Filing Date	03/09/2004
				First Named Inventor	Martin OFT
				Art Unit	1645
				Examiner Name	
Sheet	3	of	3	Attorney Docket Number	DX06022 US 01

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	AO	Osborne (1998) <i>New Engl. J. Med.</i> 339:1609-1618 "Tamoxifen In the Treatment of Breast Cancer"	
	AP	Parham, <i>et al.</i> (2002) <i>J. Immunol.</i> 168:5699-5708 "A Receptor for the Heterodimeric Cytokine IL-23 Is Composed of IL-12R β 1 and a Novel Cytokine Receptor Subunit, IL-23R"	
	AQ	Peters, <i>et al.</i> (1998) <i>J. Immunol.</i> 161:3575-3581 "In Vivo and In Vitro Activities of the gp130-Stimulating Designer Cytokine Hyper-IL-6"	
	AR	Pirhonen, <i>et al.</i> (2002) <i>J. Immunol.</i> 169:5673-5678 "Regulation of Virus-Induced IL-12 and IL-23 Expression in Human Macrophages"	
	AS	Rakemann, <i>et al.</i> (1999) <i>J. Biol. Chem.</i> 274:1257-1266 "The Designer Cytokine Hyper-Interleukin-6 Is a Potent Activator of STAT3-dependent Gene Transcription <i>in Vivo</i> and <i>in Vitro</i> "	
	AT	Ramirez-Montagut, <i>et al.</i> (2003) <i>Oncogene</i> 22:3180-3187 "Immunity to melanoma: unraveling the relation of tumor immunity and autoimmunity"	
	AU	Sawaya, <i>et al.</i> (2003) <i>New Engl. J. Med.</i> 349:1501-1509 "Risk of Cervical Cancer Associated with Extending the Interval between Cervical-Cancer Screenings"	
	AV	Wiekowski, <i>et al.</i> (2001) <i>J. Immunol.</i> 166:7563-7570 "Ubiquitous Transgenic Expression of the IL-23 Subunit p19 Induces Multiorgan Inflammation, Runting, Infertility, and Premature Death"	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.